

### REMARKS

This responds to the Office Action mailed on April 16, 2008.

Claims 1 and 15 are amended, no claims are canceled or added in this response; as a result, claims 1-28 remain pending in this application.

A Petition to Withdraw a Holding of Abandonment Based on the Failure to Receive an Office Action accompanies this response. Additionally, Applicant respectfully requests that the period of time for response to the Office Action be reset.

#### §103 Rejection of the Claims

Claims 1-6, 9-20 and 23-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (U.S. Publication No. 2003/0163694 A1) and further in view of LeMay et al. (U.S. Patent No. 7,198,571 B2). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. See *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ; M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made

explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

In general, the independent claims recite systems and methods that provide a three party handshake for providing a gaming service on a wagering game network using an authentication service. The gaming service first sends service information to a discovery agent, the discovery agent uses the authentication service to authenticate the gaming service and based on the response received from the authentication service the discovery service publishes the service information. A client such as a wagering game machine desiring to use the gaming service obtains the service information from the discovery agent and uses the service information to contact the gaming service. Applicant respectfully submits that when the claims are considered as a whole, there are differences between the claims at issue and the combination of Chen and LeMay because the combination does not disclose every element of the claimed inventive subject matter.

For example, claim 1 as amended recites “sending service information for a gaming service to a discovery agent on the gaming network.” Claim 15 recites similar elements regarding a service sending service information to a discovery agent. Applicant has reviewed both Chen and LeMay and can find no disclosure of a service sending service information about a gaming service to a discovery agent on a gaming network. LeMay does not appear to disclose any type of discovery agent. Chen discloses a UDDI (Universal Description Discovery and Integration) service that maintains service information (see e.g., paragraph [0043]), but Chen does not teach or suggest how information is provided to the UDDI service, and further does not teach or suggest that a service itself sends service information to a discovery agent.

Further, claim 1 recites “in response to determining by the discovery agent using the authentication response that the gaming service is authentic, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network.” Claim 15 recites similar language with respect to a discovery agent authenticating a gaming service using a response from an authentication service. Applicant has reviewed Chen and LeMay and can find no teaching or suggestion of authenticating a gaming service in a discovery agent that uses an authentication service. As noted above, LeMay does not disclose any discovery agent while Chen discloses a UDDI service at paragraph [0043]. However, there

is no teaching or suggestion in Chen that the UDDI service is used to authenticate (via the authentication service) services that desire to publish service information.

Additionally, there is no disclosure in either Chen or LeMay of a discovery agent that authenticates gaming services. Chen is directed to authenticating users or business entities (see Abstract). LeMay is directed to using an authentication instrument such as a smart card, PDA or phone to authenticate a user and to authorize services for a user (see e.g. column 2, lines 22-column 3, line 29). There is no disclosure in either Chen or LeMay of authenticating gaming services, rather users or business entities are authenticated.

In view of the above, claims 1 and 15 recite elements that are not taught or suggested by either Chen or LeMay, thus there are differences between claims 1 and 15 and the combination. Therefore claims 1 and 15 are not obvious in view of the combination of Chen and LeMay. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1 and 15.

Claims 2-6 and 9-14 depend from claim 1 and claims 16-20 and 23-28 depend from claim 15. These dependent claims inherit the elements of their respective base claims 1 and 15 and are not obvious in view of the combination of Chen and LeMay for at least the reasons discussed above regarding their respective base claims. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-6, 9-14 and 16-20 and 23-28.

Claims 7-8 and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (U.S. Publication No. 2003/0163694 A1) and LeMay et al. (U.S. Patent No. 7,198,571 B2) as applied to claims 6 and 20 above, and further in view of Juitt et al. (U.S. Publication No. 2003/0087629 A1). Claims 7-8 depend from claim 1 and claims 21-22 depend from claim 15. These dependent claims therefore inherit the elements of their respective base claims, including elements directed to “sending service information for a gaming service to a discovery agent on the gaming network” and “determining by the discovery agent using the authentication response that the gaming service is authentic.” As discussed above, neither Chen nor Lemay teach or suggest such elements. Further, Applicant has reviewed Juitt and can find no teaching or suggestion of a discovery agent that receives service information from a service and that authenticates the service using an authentication service. Therefore, the combination of Chen, LeMay and Juitt fails to teach or suggest each and every element of claims 7-8 and 21-22,

including elements inherited from their respective base claims. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 7-8 and 21-22.

### CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date January 7, 2009

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 7, 2009.

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